

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.620/2017

Tufansingh s/o Rajusingh Patwa ..vs.. State of Maharashtra through PSO PS
Armori, Dist. Gadchiroli.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. L. B. Thawkar, Advocate for applicant.
Mrs. K. R. Deshpande, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 12, 2017

Heard Mr. L.B. Thawkar, Advocate for applicant and Mrs. K. R. Deshpande, A.P.P. for non applicant-State. The reply filed on behalf of the non applicant-State is taken on record.

The applicant was protected by this Court vide order dated 31.08.2017 and at that time by way of ad interim order, it was directed that in the event of arrest of the applicant in connection with Crime No.200/2017 registered with Police Station Armori, Dist. Gadchiroli, for an offence punishable under Section 65(E) of the Maharashtra Prohibition Act, he be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount. The applicant was further directed to attend Police Station, Armori on 06.09.2017, 07.09.2017 and 08.09.2017 between 11.00 a.m. to 5.00 p.m.

The applicant submits that as per the directions of this Court, he has attended the Police

Station on the said dates and was with the investigating officer. The said statement is not controverted by the learned A.P.P.

Thus, by now the investigating officer must have completed the interrogation. Further, in the reply, no reason is cited as to why custodial presence of the present applicant is required when substantial interrogation of applicant must have been completed.

The applicant was not found present at the time of interception of the accused persons who were found in possession of the liquor. The investigating officer has already seized the liquor.

Since the investigation is already over as the applicant was with the investigating officer for good 3 days, in my view custodial presence of the applicant is not necessary. Hence, ad interim bail granted to the applicant on 31.08.2017 is confirmed.

The applicant shall not cause prejudice to the prosecution case.

The application stands disposed of accordingly.

JUDGE